

COMMISSIONERS APPROVAL

CHILCOTT *gc*

LUND *pl*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....June 28, 2006

Members Present.....Commissioner Greg Chilcott,  
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Sally Fortino and Glenda Wiles

The Board of County Commissioners met to discuss the Right to Farm and Ranch Board's proposal for Open Land Bonds.

Present at this meeting was Civil Counsel James McCubbin, Extension Agent Rob Johnson, Right to Farm and Ranch Board Members Dan Huls, Don Dobberstein, County Attorney George Corn, Legal Secretary Angela Whetstone, Planning Director Karen Hughes and other staff members of the Planning Department. Members of the public were also present.

Dan Huls, chairman of Ravalli County Right to Farm and Ranch Board, gave a Power Point Presentation to the Board of County Commissioners, regarding the Bitterroot Land Trust and Right to Farm and Ranch Board's proposal. Preserve clean water, protect wildlife habitat and protect working farms and ranches were the focus of this presentation.

Their goal is to examine the changing role of agriculture in the Bitterroot valley and identify ways to protect and preserve agricultural operations and productive agricultural land as the valley continues to grow.

Their objectives include some of the following:

**1. To refine our understanding of changes in the agricultural climate:**

(Quantitative and qualitative changes). Ravalli is undergoing rapid growth, which is a result of the amenities offered in the valley. Growth creates jobs and as growth continues, growth-related industries flourish.

New housing units have mushroomed from 1980-2004. Population increases have caused extensive loss of agricultural land. Tillable irrigated, tillable non-irrigated, wild hay, grazing lands and non-qualified agricultural lands have all been affected by population

growth. Yet denying a subdivision is very difficult to do, under the present law. The hands of the Commissioners are tied.

The agricultural community brings \$30-\$33,000,000 per year to the valley, yet farmers and ranchers have difficulty meeting expenses because of high costs. Expenses and areas of rising costs were covered in the presentation.

The next generation of farmers is disappearing for reasons of costs and lack of interest.

Irrigation systems include 17 dams, streams, Bitterroot River, 31 districts, with an annual cost of over \$1,000,000 per year. Irrigation is the valley's lifeblood. Ground waters recharge the wells.

If we lose the agricultural sector other sectors will suffer; a vibrant agricultural community protects the valley's amenities.

## **2. Identify tools:**

The Right to Farm and Ranch Board is an innovation, moving forward to develop criteria to better evaluate subdivision proposals.

Develop a comprehensive estate-planning program for Bitterroot working Farm and Ranch families.

Develop local markets and identify agricultural tools to promote sustainable agriculture.

Observe what tools other high-growth agricultural communities are using to maintain their agriculture lands.

Cluster developments to preserve open lands

Purchase conservation easements

Purchase development rights

Develop Open Lands programs

Transfer development rights via zoning

Develop density-based zoning

Develop transferable tax credits

Various examples of housing locations within a development were presented.

Procedures for initiating zoning were compared:

County-initiated vs. citizen-initiated, the citizen-initiated is the most popular.

If zoning is initiated by the County it is done through the Board of County Commissioners by general resolution, and parameters are set for the County.

Thirty-six voluntary zoning districts presently exist.

Gallatin County passed a \$10,000,000 bond in 2000 for their Open Lands Program, which is a voluntary, incentive-based program. They have protected forty square miles of agricultural land to date.

### **And 3; Introduce viable tools to the community**

The Right to Farm and Ranch Board unanimously recommended approval of the Bond proposal, to protect open lands in Ravalli County.

The growth policy supports this policy of open lands. Over 40,000 acres of agricultural land have been lost in Ravalli County since 1980. There is a projected loss of another 40,000 acres by 2020. The average parcel size today is 16.74 acres.

The Right to Farm and Ranch Board recommends the establishment of an Open Lands Advisory Board. They suggest an eleven-person board, with ten voting members and one ex-officio. (Two members should be chosen from the Ravalli County Right to Farm and Ranch and two representatives from the community at large.) A prerequisite should be that the member owns an agricultural operation of some type.

Lands considered for acceptance into the Open Lands Program should be judged on:  
prime agricultural crop and pasture lands, range and timberland  
Size and configuration  
Positive social and economic advantages

The meeting was open to public comment/questions:

Commissioner Chilcott asked about the cost to the taxpayer in the average household.

Dan said the estimate is \$35 per year for 20 years, which will also determine the market.

George said he worked on this issue with the Bitterroot Land Trust and Right to Farm and Ranch. He asked Klarryse Murphy to prepare an audit for the County. The County debt is presently lower than the allowable debt level for the bond.

Dan said they used Gallatin County as our model. The Resolution language received much input. The background of policy development is included.

Gary Zebrowski asked what the bond would do.

Dan said the bond money is used by the County to purchase development rights from the landowner. Development value is appraised at its agricultural value; a conservation easement would be a tool to protect the land.

Gary asked if the land would remain undeveloped.

Dan said it would be kept in perpetuity. Perhaps it would have a deed restriction. A conservation easement could control a block of land.

Karen said privately owned, individual parcels are included, including orchard lands.

Commissioner Chilcott said it comes down to what the citizens will perceive as palatable. Gallatin County has double the population of Ravalli County to handle payment of debt.

Dan said there is not a significant difference between Gallatin County's bond and the size of the bond being sought here.

Commissioner Chilcott asked if the County would re-aggregate 10-acre parcels into one. Dan said it will cost as much to protect a 40-acre piece as one large piece. Work a cooperative into the system, between neighbors, encouraging them to work together.

Commissioner Chilcott commented on the amount of valuable lands in smaller sizes.

George said he would check on the bond issue ballot language.

Commissioner Thompson commented that the costs per \$100,000 home are usually included in the ballot language.

Bob asked if the proposal for the bond specifically aims at agricultural land, or for open land.

Dan answered that the bond would provide the ability to buy land if the event arises. A point system, which would assist in evaluating donated land, may not allow that to happen. They are not promoting the County buying land indiscriminately. Taxpayers would have to realize that the land placed into the Open Land Program would no longer be generating taxes from private ownership. This would be a financial loss to the County.

Gary MacLaren said the Program could buy a mountaintop, but it wouldn't have the value of agricultural land.

Dan suggested leaving that as an option, should the opportunity present itself.

John Ormiston suggested the option to purchase land for specific County-function uses. Make a provision for fee title purchase; it could be a community asset.

Deb Essen said this is for agricultural land being affordable for purchase.

Dan said if the landowner has no retirement program, land is his investment; this will allow him to extract a portion of the property's value, while making a significant contribution to the quality of life in Ravalli County.

A member of the public asked if a \$10,000,000 debt is palatable for this valley. Buying land from landowners benefits the community. As a land trust, we meet frequently with those who have an interest in and care of the land for a land easement, and help with costs; these bond resources facilitate that process. A cost of \$150-\$200 per acre is the cost of the transaction to the County.

Kathleen Driscoll asked about the length of time to bring the program to maturity. Dan said he had no idea of the time frame.

A member of the public asked if the Program would allow a bequest of land from a will.

George said he would research the legality of the issue.

Gary Zebrowski asked if the Commissioners would consider a new advisory committee. Dan said there would be no reason for a committee unless the bond passes.

A member of the public asked what the Gallatin program has protected. Dan said they have protected forty square miles, north, near the East Gallatin River. Establishing the first parcel took more than a year.

A member of the public asked if the taxpayers retain access to the property in the Program. Dan said they don't generally, but can lease some rights, for fee fishing, for example. Karen said it would be flexible; they can allow for public access if they wish.

Commissioner Chilcott said their aim would be to maintain private property rights.

Commissioner Thompson said he worked with the Right to Farm and Ranch Board when first elected. He has been upset with the way things are transpiring in the valley. He added he is proud of the Board's accomplishments, and thanked them for moving forward with the plan, and for the time and energy they spent on the project. This Program could help save the quality of life in the valley.

Commissioner Chilcott said it is an exciting project. They must identify the contribution each taxpayer will be making.

Don Dobberstein said the County is paying for development rights on the land, but doesn't have to own the land. Dan said the County would not be excluded from buying the land, but that is not the intention of the Open Land Program.

In other business the Board continued their meeting in regard to the Bibler Building purchase. Also present at this meeting was Civil Counsel James McCubbin. Due to a Planning Board meeting that was set to occur in the Conference Room, the meeting was moved to the Commissioners' lobby. Commissioner Chilcott was not present for this meeting. Discussion included exercising Option No. 2, Attachment #1, of the Bibler Lease, dated 7-1-01. James noted he has prepared written notice to show the Commissioners' intent to exercise this option. Commissioner Thompson made a motion to exercise Option #2 as noted under Attachment #1, and to have Commissioner Lund sign the notice, executing the documents for the building purchase in the amount of \$220,000, less the \$24,000 in lease payments, \$4,000 in sewer costs and any adjustments in closing costs Commissioner Lund deems necessary for sale. Commissioner Lund seconded the motion and all voted "aye".

## **Ravalli County Open Lands Program Selection Criteria**

Working farms and ranches in Ravalli County are a valuable resource worth protecting. They benefit the valley by managing growth, preserving open lands and agricultural production, protecting water quality and its sources, maintaining wildlife habitat, all while promoting the rural flavor, pristine views, and lifestyles residents enjoy. The following 9 criteria will be used by the Ravalli County Open Lands Board to ensure that program funding is directed at projects that best promote these benefits.

### **1. Prime agriculture crop and pasture lands, range, and timber land**

A higher priority will be given to land with historical ties to agriculture and where the preservation of this land will maintain the rural landscape. Specific criteria will include: Prime agricultural soils, adequate irrigation infrastructure, sufficient water rights, production history, or timber management plan etc. Each criterion will be applied as appropriate for the particular land classification. For example, land that is classified as "tillable non-irrigated" would not be judged for adequacy of irrigation infrastructure.

### **2. Size and configuration of land**

A higher priority will be given to projects of 260 or more acres of land. The configuration will be considered, giving a higher priority to land comprised of multiple adjoining tracts and enhancing all other selection criteria.

### **3. Positive social and economic impacts**

A higher priority will be given to applications that promote and maintain economic viability of the agriculture industry, that are consistent with the growth policy thereby benefiting the community's social and economic stability.

### **4. Wildlife habitat and wildlife movement corridors**

A higher priority will be given to areas containing basic habitat components needed to support diverse, healthy, and viable fish and wildlife species. The more of these components there are and the more juxtaposition there is of these components in any given area, the more important this area will be to fish and wildlife species diversity. These components are food, cover, water, and open space.

### **5. Riparian areas and wetlands**

A higher priority will be given to land that has perennial or intermittent streams, rivers, ponds and/or wetlands. Preservation of this land will help maintain the quality of surface water and underground aquifers as well as enhance fish and wildlife values.

### **6. Close or next to existing preserved areas**

A higher priority will be given to land that adjoins or is close to an area already preserved by conservation easement, in public ownership or designated for public use.

**7. Away from existing development**

A higher priority will be given to applications on the basis of relation to existing development.

**8. Public Enjoyment**

A higher priority will be given to land that provides greater public enjoyment by protecting important view shed areas or providing physical access in some way.

**9. Taxpayer Value**

A higher priority will be given to projects that demonstrate a higher match to Ravalli County Open Lands requested (for example, in-kind match from the landowner or cash match from non-county funding sources.)

**Applications must be submitted by a qualified government entity, land trust or sponsoring organization.**

**Grants are only awarded for purchase or donation of land or development rights or transaction costs related to conservation easement.**

**Funding cannot be used for construction of recreational facilities, operation and maintenance, or administrative costs**

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**Ravalli Open Lands Board Structure:**

Eleven (11) person volunteer board appointed by the Board of County Commissioners comprised of Ten voting members and 1 exofficio member.

2 representatives from the Ravalli County Right to Farm and Ranch Board

2 representatives from the community at large who own or operate County qualified agricultural operations. (In a "County Qualified AG Operation" greater than 50% of the owner or operators gross income is derived from agriculture.)

One (1) representative from the Ravalli County Planning Board

One (1) representative from the Ravalli County Conservation District

One (1) representative from the Ravalli County Weed board

One (1) representative from the Ravalli County Park Board

One (1) representative from the community at large with background in wildlife biology, ecology, environmental sciences, or similar field. (MFWP representative preferred).

One (1) representative from the community at large with background in hydrology, water resource management, or similar field (Water Forum representative preferred).

1 exofficio representative from the Ravalli County Extension Office.